

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Amended claims 2, 3, 5, 7, 8, 10, 12, 13, 15, 17, 18, and 20 are in this application. Claims 1, 4, 6, 9, 11, 14, 16, and 19 are canceled. Cancellation of claims 1, 4, 6, 9, 11, 14, 16, and 19 should not be construed as an agreement by Applicants with the Examiner's rejections. Applicants reserve the right to continue prosecution of any or all of these rejected claims in one or more continuation applications.

In the Office action, the Examiner objected to the drawings because they do not include reference character(s) mentioned in the description ($\theta 1$ and $\theta 2$). The specification has been amended to remove the reference characters $\theta 1$ and $\theta 2$. Accordingly, withdrawal of the drawing objection is respectfully requested.

The Examiner also objected to the specification because of an informality. The specification has been amended to correct the informality and, as such, withdrawal of the objection is respectfully requested.

The Examiner also objected to the title of the invention. The title has been amended herein.

Claims 1, 3-6, 8-11, 13-16, and 18-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Johnson (US 4,470,681). Claims 1, 4, 6, 9, 11, 14, 16, and 19 have been canceled.

Independent claim 5, as amended herein, recites in part as follows:

“...said determining means comprises a storage means for storing sampling data of said emitting angle and said incident angle...”

In explaining the above rejection, the Examiner appears to rely on col. 9, lines 57-60 to disclose the above described feature. It is respectfully submitted that the portion of Johnson as applied by the Examiner (hereinafter "Johnson") does not appear to disclose the above feature. That is, Johnson appears to disclose storing inputs such as a cycle start input or pairs of voltage outputs from a photodetector. Johnson does not appear to disclose "storing sampling data of said emitting angle and said incident angle" as in claim 5. Accordingly, claim 5 is believed to be distinguishable from the Johnson.

For reasons similar to those described above with regard to claim 5, amended independent claims 10, 15, and 20 are believed to be distinguishable from the Johnson.

Claims 3, 8, 13, and 18 depend from one of claims 5, 10, 15, and 20, and, due to such dependency, are believed to be distinguishable from Johnson for at least the reasons previously described.

Claims 2, 7, 12, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson.

Claims 2, 7, 12, and 17 depend from one of claims 5, 10, 15, and 20, and, due to such dependency, are believed to be distinguishable from Johnson for at least the reasons previously described.

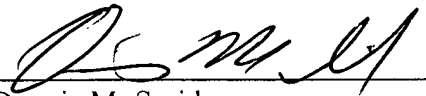
In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference, there is the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith
to Deposit Account No. 50-0320.

Respectfully submitted,
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